
**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs

MIGUEL MEDINA-PENA,

Defendant.

MEMORANDUM DECISION AND
ORDER CONTINUING TRIAL AND
EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

Case No. 1:11-CR-101 TS

Judge Ted Stewart

The Court finds that the ends of justice justify a continuance in the above-entitled matter. Specifically, based upon the Motion filed by Defendant Miguel Medina-Pena, the Court finds that time is excludable under the speedy trial act as to Defendant Medina-Pena because he is joined for trial with Defendants Luis Estrada and Loreto Aispuro, the time for Defendants Estrada and Aispuro has not run, and “no motion for severance has been granted.”¹ The Court further finds that, as negotiations are ongoing between Defendant Medina-Pena and the government, a failure to grant a continuance would likely result in the miscarriage of justice.² Based on the foregoing, it is hereby

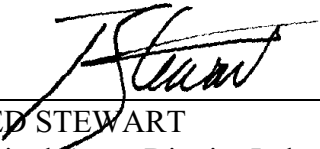
¹18 U.S.C. § 3161(h)(6).

²*Id.* § 3161(h)(7)(b)(I)

ORDERED that Defendant's Motion to Continue (Docket No. 99) is GRANTED. The trial will be continued to August 20, 2012, at 8:30 a.m. The time between the date of this Order and the new trial date of August 20, 2012, shall be tolled from the Speedy Trial Act calculation.

DATED this 12th day of June, 2012.

BY THE COURT



TED STEWART
United States District Judge